

REGULAR SESSION OF THE
BRIGHAM CITY COUNCIL
July 6, 2006
7:07 p.m.

PRESENT:	Lou Ann Christensen	Mayor
	Jon Adams	Councilmember
	Holly Bell	Councilmember
	Alden Farr	Councilmember
	Reese Jensen	Councilmember
	Steve Hill	Councilmember
ALSO PRESENT:	Mary Kate Christensen	City Recorder
	Blake Fønnesbeck	Director of Public Works
	Paul Larsen	Director of Economic Development
	Bruce Leonard	City Administrator
	Mark Teuscher	Community Development Supervisor/City Planner
	Paul Tittensor	Chief of Police

Mayor Christensen called the meeting to order. The scouts in the audience led the Pledge of Allegiance. The Reverence Period was given by Councilmember Bell. Mayor Christensen presented the agenda as follows:

PUBLIC COMMENT
CONSENT

Renewal of Contract with Jordan and Associates

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collection

SCHEDULED DELEGATION

Update on Academy Square

PLANNING COMMISSION BUSINESS

Request for Approval of M. Nelsen Subdivision

OTHER BUSINESS

Discussion on Gunther Fossil Collection (added)

CLAIMS

Payment Register

Councilmember Adams made a motion to approve the agenda as amended. The motion was seconded and carried unanimously.

PUBLIC COMMENT

Bob Marabella - Mr. Marabella said he would like to recognize the Electric Department. On July 4th, Brigham City had severe winds and the power was out on the north end of town and also in the Lindsay Park area. The entire electric crew was out working to get the power back on. We all take for granted that our electricity is always working and we all enjoyed the holidays. They did an unbelievable job. They were going from pole to pole trying to determine which breaker was out. They spent a lot of time away from their families on the 4th of July Holiday.

Mr. Marabella said he attended the 4th of July festivities and expressed appreciation to the City for the fantastic fireworks display.

Mr. Marabella stated he had just returned from a family vacation in the east. It is a whole different world. He remembers many times on the City Council when citizens would complain that Brigham City is a disaster and there are drugs everywhere. Mr. Marabella said he knows Brigham City is not perfect, but after spending some time on the east coast, he realized that Brigham City is a very special place. There are not taxicab drivers honking their horns, and police, ambulance and fire truck sirens going off every 30 seconds. It is important to be reminded sometimes what a special place Brigham City is. Mr. Marabella added that after seeing the history back east, he is very excited to see the Academy Square come to fruition. He hopes the plans for this will continue because Brigham City can add another piece to the special place it is.

Wynn Parker - Mr. Parker spoke regarding the M. Nelsen Subdivision on the agenda. He said he does not have a problem with what they want to do with the subdivision, their concern is turning their private driveway into a commercial access. The Nelsens have an easement to use the Parker's driveway to access their own driveway. Over the years they have lost a great deal of privacy. Mr. Nelsen was allowed to build their house without doing a subdivision because they own the entire 20 acres. Now he is subdividing and doing a 2-lot subdivision and selling his home. If someone else builds a home on the other lot, traffic will double down their driveway. Mr. Parker said it particularly affects his brother, Tim and his wife. Mr. Parker's driveway is on the east side of the open lot. Mr. Nelsen's is on the north side. Mr. Parker said they feel the subdivision should be denied because Mr. Nelsen's driveway is only 20' wide and 300' long. The City's subdivision ordinance requires a private street to be a minimum of 26' wide. When Mr. Parker built their home, the City told them they did not have any choice, they had to have a 26' wide street. When they did Phase 5 of Parker Ranchettes Subdivision, they had a flag lot and were told the same thing, that the flag lot had to have a minimum of 26' driveway extending beyond the lot boundary far enough for the lot to be classified as having a frontage on a 26' street. Mr. Parker felt the subdivision should be rejected based on the City's own subdivision ordinance. As an alternate, the Parkers have offered to give them an easement across their property that is exactly south of their property to allow for a 26' driveway. This would give the Parkers their privacy. They are not trying to stop them from doing what they want to do, they just want their privacy back and feel the Nelsens should be expected to meet the same subdivision ordinance as anyone else in the City.

Reese Jensen - Councilmember Jensen said he attended the Chamber of Commerce meeting and they are putting together the Brigham City float. They desperately need volunteers to help finish the float. They have already missed one parade and possibly two more. They are trying to get it completed for the 24th of July parade. He felt it was in the City's best interests to get the float completed.

Craig Edgeman - Mr. Edgeman said they are interested in the Nelsen Subdivision. He and his partners are opening the youth program in the Nelsen house. Their program is a youth treatment program for mentally and emotionally disabled youth, those who have substance abuse problems. It is very hard for families going through crises when their youth is unmanageable. They are creating a program intentionally in a very nice home and neighborhood to be a healing environment for them. They want to do athletic training with the boys, hopefully to give them a new passion. Mr. Edgeman said they had a neighborhood meeting and there were 30-40 neighbors in attendance. They were able to ask any questions, and Mr. Edgeman felt that anyone that was there felt their questions were answered. Mr. Edgeman said they look forward to being neighbors with the Parkers and they understand their concerns. They have worked very hard to meet the requirements of the Planning Commission. He added that in the future plan of the City, there is a proposed road to alleviate some of Mr. Parker's concerns. Mr. Edgeman said they look forward to being a good part of this community.

There were no further comments from the public.

CONSENT

Renewal of Contract with Jordan and Associates

A revised contract with Jordan and Associates, the City's lobbyist, was presented for approval.

Request to Write-off Accounts Due to Resident Taking Out Bankruptcy or Being Sent to Collections

The Council was presented with a list of accounts totaling \$1,957.82 to be removed from the City's system due to the customer taking out bankruptcy or being sent to collections.

MOTION: A motion to approve the Consent Agenda was made by Councilmember Hill, seconded by Councilmember Farr and unanimously carried.

SCHEDULED DELEGATION

Update on Academy Square

Mr. Overton, Ms. Lori Hunsaker, and Mr. Ned Young came to the table. Mr. Overton said the Utah Arts Council was in Brigham City for the Heritage Arts Festival. They were very impressed. Mr. Young said Councilmember Bell gave a wonderful speech. She expressed what the arts are all about and what they mean to a community. Ms. Hunsaker said the Arts Council was very impressed with the unity within the arts – dance, music, visual arts. They do not see that in other communities; they see them competing against each other. In Brigham City they saw everyone working together for a common goal. Mr. Overton said this was a true, authentic, genuine heritage festival. So few are authentic; they have become craft fairs. The crafts people and artisans felt well respected and cared for.

PLANNING COMMISSION BUSINESS

Request for Approval of M. Nelsen Subdivision

Mr. Teuscher explained this is a 2-lot subdivision in an agricultural zone. The Nelsens were approached by Catalyst, a rehabilitation treatment center, to acquire the home for a residential treatment center. It is in an A-5 zone so the minimum lot size has to be five acres. They are asking for an exception on the dedicated right-of-way. They are requesting a half street because there is no reasonable road proposed at this time. The General Plan indicates 1025 West as a road that will be developed in the future. This will line up with where they are dedicating a half road. City Code requires a 26' easement, and the Planning Commission looked at that. Fire Code requires a 20' roadway. The existing easement is 20', and it is probably unreasonable to pick up another 6'. Staff is recommending that any future subdividing beyond the two lots, a full access be provided, and any existing access be terminated.

Mr. Teuscher said the City had a traffic study done. The traffic study stated that there are currently 47-48 trips a day on the road, and that the new use would probably not generate much more traffic. The boys at the center will not have vehicles, only staff. They have approval for 24 students. If they want to expand that they will have to come back and amend their conditional use permit.

Councilmember Farr asked Mr. Parker about the easement he offered the Nelsens. Mr. Parker said they have offered two options. One is on Mr. Nelsen's father's property and across the Parker's property and they would give them an easement. Another option is an easement so they could approach from the south. Mr. Nelsen said they own the 20' x 300' driveway. If they owned 26' wide they would make it a 26' driveway. Parkers do not own the property to the north, the Williams own it. Parkers own the property to the south, and it is their backyard. They chose to build there, knowing that the Nelsens had access. Mr. Nelsen said the Parkers want them to give them the 20' x 300' piece of property in exchange for an access. The access would have to be dug out to the base and bring in a lot of gravel. This would be very expensive. Mr. Nelsen said the Parkers are giving them an easement to a place that they are already going to have to give to the City if 1025 West is constructed. They are not giving the Nelsens any more than what they would have to give the City; however, they want the Nelsens to give them the 20' x 300' piece of property for the easement. That is why the Nelsens have turned down the Parkers' offer.

Councilmember Farr asked Mr. Parker if he realized there was going to be a lot of traffic when he gave permission for the access when Mr. Nelsen built his home in 2000. Mr. Parker replied that they knew they gave up some of their privacy when they gave them the easement. They have used that access since they had the property, but they gave them a legal easement to use their driveway for access. At the time they did not realize there would be that much traffic because they did not think ahead to the Nelsens having 2-3 teenage boys. Now there is a possibility of double that traffic because there is another lot where another home could be built.

Councilmember Bell asked Mr. Parker if he would be willing to improve the road to make it usable, and if CRC would be willing to wait. Mr. Parker replied that it would be negotiable. They would have to put some culverts under the road. He said he would be willing to partner on the improvements. He has told the

Nelsens they are willing to build the fences. He added that he does not really want Nelsens to give them the deed for the 20' x 300' strip of property, they just want them to quit using it. They could even take the gravel off that road to make the other road. Mr. Nelsen said when Mr. Parker said he gave them the access, it really was already an access that was unwritten, and the City said it should be in writing so it is not something that was handed down from generation to generation. The access has always been there since the Jensen family owned it. Mr. Edgeman said if Mr. Parker is willing to pay for the road, they would be happy to use it.

Councilmember Farr suggested the two parties meet again to see if they can work this out between them.

MOTION: Councilmember Farr made a motion to continue this application until July 20, 2006, and direct staff to work with the Nelsens and Parkers to see if they can come up with an agreement that would work for both of them. The motion was seconded by Councilmember Bell and unanimously carried.

OTHER BUSINESS

Discussion on Gunther Fossil Collection

Councilmember Jensen met with Mr. Gunther again, and he is still willing to give his fossil collection to the City. He wants to get it in the hands of the City as soon as possible because he is worried about the security of his collection. He wants it in one place so it will be in a safe place. Councilmember Jensen and Councilmember Hill will be working with Mr. Leonard to see if there is an acceptable place in the City to store it. Mr. Gunther also offered some stock to go toward a new museum or a place to display the collection. In addition, Dale and Adele Young are willing to match Mr. Gunther's stock donation. This puts the City in a good position for a new museum. Councilmember Jensen said he made it clear to Mr. Gunther that the City does not currently have a place to display the collection, and that the City Council is going to meet to discuss City facilities.

Councilmember Jensen said he had a meeting with Steve Hadfield, City Attorney, about drafting a document transferring ownership from Mr. Gunther to the City. Mr. Hadfield asked him to get more information and when that is provided he will draft an agreement. One thing that could cause additional expense to the City is insuring the collection. Mr. Leonard said he met with the City's insurance agent and he said the City has a rider that covers all museum pieces that were donated by the Daughters of Utah Pioneers. He will ask him about the Gunther collection. Anything that is stored in a City building is considered City property and should be covered under the City's insurance.

CLAIMS

Payment Register

Councilmember Hill moved to approve General Claims dated June 30, 2006 in the amount of \$271,062.07. The motion was seconded and carried.

A motion to adjourn was made by Councilmember Bell. The motion was seconded and carried unanimously. The meeting adjourned at 8:22 p.m.